



Order Filed on May 19, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

CHRISTOPHER M. MCMONAGLE, ESQUIRE
Stern & Eisenberg, PC
1040 N. Kings Highway, Suite 407,
Cherry Hill, New Jersey 08034
Telephone: (609) 397-9200
FACSIMILE: (856) 667-1456
(COUNSEL FOR MOVANT)

In Re:
Jeffrey W. Winter

Debtor

WILMINGTON SAVINGS FUND SOCIETY,
FSB, NOT IN ITS INDIVIDUAL CAPACITY,
BUT SOLELY IN ITS CAPACITY AS OWNER
TRUSTEE OF ACM PRIME ALAMOSA
TRUST 2018

Movant

v.
Jeffrey W. Winter

Isabel C. Balboa
Respondents

Case Number: 18-35219-JNP

Chapter 13

Judge: Jerrold N. Poslusny, Jr.

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTLING THE MOTION FOR
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**.

DATED: May 19, 2020

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Debtor: Jeffrey W. Winter

Case Number: 18-35219-JNP

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

Upon the Motion of WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE OF ACM PRIME ALAMOSA TRUST 2018 (Movant) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d)) for relief from the automatic stay as to certain property, 313 Haverford Ave., Wenonah, NJ 08090 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. As of May 11, 2020, Jeffrey W. Winter ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from December 2019 to May 2020, as follows:
 - a. Monthly payments total (\$1,016.19/mo): \$6,097.14
 - b. Post-petition suspense balance:..... (\$420.93)
 - c. Attorney Fees: \$631.00
 - d. Total arrears as of date of Order: \$6,307.21
2. Debtor shall cure the Arrears as set forth above by paying:
 - a. 2 months payments (\$1,016.19/month) plus \$1,000.00 deposit, total of \$3,032.38, within ten (10) days of entry of this Order; then
 - b. 1/6 of the remaining Arrears (\$3,274.83) per month (\$545.81/month) for the next **three (3)** months together with the regular monthly mortgage payment (currently \$1,016.19/month) for a total monthly payment of \$1,562.00 for the next **three** months beginning in June 2020; then
 - c. 1/6 of the remaining Arrears per month (\$545.80/month) for the following **three (3)** months together with the regular monthly mortgage payment (currently \$1,016.19/month) for a total monthly payment of \$1,561.99 for **three** months beginning in September 2020.
 - d. In the event the regular monthly payment changes for any reason, then the amount due pursuant to paragraph 2 shall be adjusted accordingly. Thereafter, Debtor agrees to continue making the regular monthly mortgage payment.
3. Payments due in accordance with this Order shall be due on or before the 1st day of each month.
4. Debtor shall make the regular monthly payments required to the Trustee.
5. All payments due to the Movant from the Debtor are to be made directly to BSI Financial Services, Inc. and making sure that Creditor's loan number appears on all payments.
6. In the event that Movant alleges that Debtor has failed to comply with obligations under paragraphs two (2) through five (5) of this Stipulation, Movant and/or Counsel may give Debtor and Debtor's counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor's counsel, the Court may grant Movant immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A". Debtor shall pay for each notice of default issued by Movant as a result of the Debtor's failure to comply with this Stipulation.

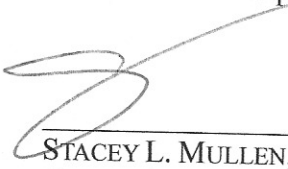
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7. The failure by the Movant, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Movant's rights hereunder.
8. Upon issuance of the aforesaid Order, the parties hereto further agree that Movant may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
9. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Movant shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".



STACEY L. MULLEN, ESQUIRE
COUNSEL FOR DEBTOR

/s/ Christopher M. McMonagle

CHRISTOPHER M. MCMONAGLE, ESQUIRE
STERN & EISENBERG, PC
ATTORNEY FOR MOVANT

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION

Upon Motion of WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE OF ACM PRIME ALAMOSA TRUST 2018 (Movant) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362 to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights

under state and federal law) concerning the Property: 313 Haverford Ave., Wenonah, NJ 08090
("Property")

It is further ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived.